

PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE Assigned U.S.  
 OTHER MINOR OFFENSE MO ☐ 1083 02 8509 vs. MUNDEN, EMMETT LAVERNE  
 OTHER MISDEMEANOR Mis ☐ 1085 04 Disp./Sentence  
 FELONY Fel ☒ District Office 2-15-77 (LAST, FIRST, MIDDLE)

Case Filed  
Mo. Day  
01 24  
No. of Def's  
\* 01  
JUVENILE

77 - 00009 - 01  
Yr. Docket No. Def.

U.S. TITLE/SECTION SUPPL. 3-28-78 OFFENSES CHARGED  
 18:2312 Dyer Act

ORIGINAL COUNTS  
1

18:2313 Sale of Stolen Motor Vehicle

2

*Superseding indictment*

U.S. MAG.  
CASE NO.

BAIL • RELEASE

☐ AMT ☐ Fugitive  
 Denied Set ☐ Pers. Recog.  
☐ PSA

\$ 10,000 conditions

Date 10-21-76 ☐ 10% Deposit

☒ Surety Bond/C

☒ Bail Not Made ☐ Collateral

☐ Status Changed (See Docket) ☐ 3rd Prty Cust ☐ Other

## II. KEY DATES & INTERVALS

ARREST or	INDICTMENT	ARRAIGNMENT	TRIAL	SENTENCE
U.S. Custody Began 1-26-77	High Risk Date 10-21-76	1-26-77	Trial Set For Voor Dire <input type="checkbox"/>	Disposition of Charges 2-15-77
Summons Served	Information <input type="checkbox"/> Indict. Waived <input type="checkbox"/> Superseding <input type="checkbox"/> Indict/Info <input type="checkbox"/>	1st Plea 1-26-77 Final Plea 1-26-77	Trial Began <input type="checkbox"/> J Trial Ended <input type="checkbox"/> J	<input checked="" type="checkbox"/> Convicted <input type="checkbox"/> On All Charges <input type="checkbox"/> Acquitted <input type="checkbox"/> On Lesser * <input type="checkbox"/> Dismissed: <input type="checkbox"/> WOP: <input type="checkbox"/> WP
First Appearance	In Charging District	NG <input checked="" type="checkbox"/> G <input type="checkbox"/> NOL NG <input checked="" type="checkbox"/> G <input type="checkbox"/> NOL		<input type="checkbox"/> On Governm'ts Motion

MAGISTRATE		DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME:
Search Warrant	Issued			PRELIMINARY EXAMINATION OR REMOVAL HEARING		<input type="checkbox"/> DISMISSED
	Return			Date Scheduled		<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Summons	Issued			Date Held		<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:
	Served			WAIVED <input type="checkbox"/> NOT WAIVED <input type="checkbox"/>	Tape Number	
Arrest Warrant Issued				INTERVENING INDICTMENT <input type="checkbox"/>		
COMPLAINT						
OFFENSE (In Complaint)						

U.S. Attorney or Asst.

ATTORNEYS

Defense ☒ CJA ☐ Ret: ☐ Waived ☐ Self ☐ None / Other: ☐ PD ☐ CD

Hubert H. Bryant  
 Asst. U.S. Attorney

James D. Goodpaster  
 324 South Main  
 Tulsa, OK 74103

PH: 585-5641

\* Show last names and suffix numbers of other defendants on same indictment/information:

DATE	(DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY
			(a) (b) (c) (d)
1977			
1-24		Rec'd transcript of proceedings from U.S. Dist. Ct., Dist. of KS, Kansas City, KS, fld. Transcript includes: Indictment, Info. 2 10-21-76 M Sheet, Praeipce for Warrant, Warrant, Consent to Transfer of Case for Plea and Sentence Under Rule 20, and the Criminal Docket Sheet showing the following entries:	
	1976		
	Oct 21 1	INDICTMENT	
	Oct 21 2	Praeipce for Warrant	
	Oct 21	Warrant issued to U.S. Marshal	
	1977		
	Jan 19 3	Consent to Transfer of Case for Plea and Sentence Under Rule 20	
	Jan 19	File and certified copy of docket entries, with Form B mailed to Tulsa, Oklahoma this date.	
1-24		MO: Case set for ARRAIGNMENT & PLEA on 1-26-77 at 10:00 a.m. (AEB-J)v	
		-parties notified by phone.	
1-26		Case called for Arraignment & Plea. Deft. present & rep. Govt. rep. Deft. acknowledges receipt of Indictment, Indictment is read and Deft. is advised of the charge. Deft. is placed under oath, is arraigned	

DATE	USA v. MUNDEN 77-CR-9 (DOCUMENT NO.)	IV. PROCEEDINGS (continued)	PAGE TWO	V. EXCLUDABLE DELAY				For Identifying Periods of Exclud- able Delay Per 18 U.S.C. 3161(h)
				Interval Section II (a)	Start Date End Date (b)	Ltr. Code (c)	Total Days (d)	
'77								
1-26	Arraignment minutes cont.: and enters a plea of GUILTY as to Counts 1 & 2, and is adjudged GUILTY as charged in Counts 1 & 2. Deft. waives jury and waiver is filed in open court. Sent. is passed to 2-15-77 at 10:00 a.m. Court orders a pre-sent. report. Deft. remanded to U.S. Marshal. (AEB-J)v							A. Examination or hearing for mental or physical in- capacity (18 U.S.C. 4244).
2-1-77	Deft's application for reduction of bond, filed. b							B. NARA Exam- ination (28 U.S.C. 2902).
2-1	MO: Case set for hearing application for bond reduction on 2-2-77, at 11:00 A.M. (AEB-J)b nts by phone							C. State or Federal trials on other charges.
2-2	Case called for hearing deft's motion for bond reduction. Deft. present & rep. Govt. rep. Deft. makes report to Ct. & Prob. officer Rod Baker reports as to their investigation of Deft. & advises Ct. of outstanding warrant on Deft from Texas. Bond reduction denied & Ct. orders U.S. Marshal to transport Deft. to Ks. City for hearing on custody of children to be held 2-8-77. (AEB-J)b			3	2-2-77 2-2-77	E	1	D. Interlocutory Appeals. E. Hearings on pretrial motions. F. Transfers from other districts (per F.R.Cr.P. Rules 20, 21 & 40).
2-3	Order, filed, denying Bond reduction, but allowing Deft. to attend child custody hearing in regard to four children in Juvenile Dept. of Wyandotte Co., KS, on 2-8-77, at 2:00 P.M. U.S. Marshal is ordered to transport deft. to hrg & return him to Tulsa. (AEB-J)b 2 c/c cps to USM; cps to attys							G. Defendant Mo- tion is actually under advise- ment. Period of up to 30 days is excludable per 3161(h) (1)(G).
2-14	USM service of Order of 2-3-77, ret. & filed: deft. transported to Juvenile Dept., Wyandotte County, Ks. on 2-8-77, and on 2-9-77 returned him to Tulsa County Jail. g							H. Miscellaneous Proceedings: Probation or Parole revoca- tion, Deporta- tion, Extradition.
2-15	Case called for sentencing. Deft. present & rep. Govt. rep. Deft. & co. asked if they have anything to say before sentence is pronounced: Judgement & Sentence - Emmett Laverne Munden Cts. 1 & 2 - Atty. Gen. - Thirty-three (33) mos., & on condition that deft. be confined in jail type instit. for period of three (3) mos., the execution of remainder of sent. of imprisonment is hereby suspended & the deft. is placed on prob. for period of thirty (30) mos., Ct..2 to run concurrently w/Ct.1. Deft. remanded to USM. (AEB-J)b							I. Prosecution de- ferred by mutual agree- ment. M. Unavailability of defendant or essential witness.
2-15	Judgment & Commitment, filed & entered. (AEB-J)b							N. Period of men- tal or physical incompetence of defendant to stand trial.
2-15	Two c/c of J&C to U.S.M. b							O. Period of NARA Com- mitment or Treatment.
2-15	Two c/c of J&C to probation. b							P. Superseding indictment and/or new charges.
2-24	J&C, ret. & filed: deft. delivered to Tulsa County Jail on 2-15-77. g							R. Defendant awaiting trial of Co-defend- ant when no severance has been granted.
3-14	Motion (letter) for modification of sentence, filed. g							I. Continuances Granted per 3161(h) (8) (i.e. ends of justice or com- plexity of case outweighs de- fendants de- pendent inter- ests).
3-15	Order, filed, overruling motion for discretionary modification of sentence. (AEB-J)g cp mld							U. Time between guilty plea and plea with- drawal.
10-12	Application & Order for issuance of warrant for arrest of probationer, filed. b							W. Grand Jury in- dictment ex- tended per 3161 (b).
10-12	Warrant issued. b							
11-3	Rec'd transcript from Dist. of KS, fld., including copy of Warrant of Removal, Waiver of Removal Hearing, Final Commitment, Order to Defts. released under the Bail Reform Act, Conditions of Release and Waiver of right to have appt. counsel. v							
FINE AND RESTITUTION PAYMENTS								
DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER			

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs Emmett Laverne MUNDEN

JUDGE BARROW

Sheet #2

77 00009 01  
Yr. | Docket No. | Def.

DATE '77	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
11-4	MO: Case set for REVOCATION OF PROBATION on Thurs., 11-10-77, at 10:00 a.m. (AEB-J)v -notices mld.				
11-7	MO: Hearing on rev. of probation stricken from 11-10-77 & reset on 11-15-77, at 10:30 A.M. (AEB-J)b nts by phone				
11-8	Waiver of Preliminary Hearing Before U.S. Mag., fld. v				
11-10	Ret. on Warrant for Arrest of Deft. Munden, executed by arresting Deft. on 10-30-77. fld. ho				
11-10	Return on Warrant of Removal On Complaint or Information, fld. Rec'd and executed 11-2-77 in Dist. of KS. v				
11-15	Case called for hearing on revocation of probation. Deft. pres. & rep. Govt. rep. Probation officer Rod Baker makes report to Court on deft. Ct. revokes probation. Deft. & co. asked if they have anything to say before sentence is pronounced: Revocation Of Probation - Emmett Laverne Munden Ct.1 - Atty. Gen. Three (3) years. Ct. 2 -Impos. of sentence is suspended & deft. is placed on probation for period of Three (3) years following incarceration. Deft. remanded to USM. (AEB-J)b				
11-15	Revocation of Probation, filed & entered. (AEB-J)b				
11-15	Two c/c of Rev. of Prob. to USM. b				
11-15	Two c/c of Rev. of Prob. to probation. b				
12-09	Return on Revocation of Probation Order, fld. Executed by delivering deft. to Fed. Correctional Institute, El Reno, OK, on 11-29-77. v				
2-15-78	Petitioner's motion to vacate, set aside, or correct sentence, 28 USC 2255, filed. ph (78-C-66)				
3-27-78	MO: Case transferred to to Mag. Rizley for recommendation to the Ct. pursuant to Rule M-128. (AEB-J)ho				
3-28-78	Order, fld. , It is ordered that the m ot. pursuant to 28 USC §2255 of Emmett Lavern Munden is sustained in part, & the sentence imposed upon revocation of probation on 11-15-77, in so far as it exceeds 30 months is vacated, set aside & held for naught. It is further ordered that the movant, Emmett Laverne Munden, receive credit on the term of 30 months for all jail-type custody served to date in connection with the revocation of his probation. (AEB-J)ho c/m				

Sheet #2

DATE '77	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)

AO-257

Interval  
(per Section II)

Start Date

End Date

Ltr. Code

Total Days